



DEPARTMENT OF TRANSPORTATION  
HAZARDOUS MATERIALS REGULATIONS BOARD  
WASHINGTON, D.C. 20590

DEPARTMENT OF  
TRANSPORTATION

Hazardous Materials Regulations  
Board

[Docket No. HM-12; Notice No. 53-9]

ROCKETDYNE, NORTH AMERICAN  
ROCKWELL CORP.

Petition for Special Permit

The Department receives scores of requests for special permits each month. Most of the requested permits fall into three categories:

- (1) Permits for one-of-a-kind, emergency, or military shipments.
- (2) Experimental or developmental permits, which develop information for future regulatory action.
- (3) General interest permits, which are based on existing knowledge.

A special permit is a special regulation, a waiver or exemption from some provision of the general regulations. A petition for a special permit is usually evaluated on the basis of information submitted with the petition (49 CFR 170.13) without the benefit of public comment. The Department issues a special permit when it appears that the waiver or exemption will be in the public interest and will result in an appropriate level of safety.

Special permits can be issued more quickly than the regulations can be amended under normal procedures. As a result, applicants have come to petition for special permits, rather than for amendments to the regulations. Further, industry has come to expect the Department to give priority treatment of petitions for special permits, at the expense of the general regulatory program.

A special permit is usually issued to a single company, giving that company the right to do something which the regulations prevent other companies from doing. If the permit is of general interest, it may give the holder a competitive advantage over similarly situated companies. As competing companies find out

about the special permit, they individually petition for the same waiver or exemption. Once the first petition has been evaluated and the permit issued, the Department routinely issues general interest permits to similarly situated companies.

Regulation by special permit gives the first petitioner quicker service than he could get through a change in the regulations. But competing companies do not fare as well. By the time they find out about the special permit and get special permits of their own, usually more time has passed than would have been required to amend the regulation in the first place.

A general interest permit, when issued to all similarly situated companies, is really a disguised amendment to the regulations. This method of regulation has these disadvantages:

1. Safety standards are changed without an opportunity for public comment on the change.
2. Changes in safety standards, issued to individual companies, are not codified and published as a part of the regulations.
3. The procedure wastes industry and government time and manpower.

The Department believes that the disadvantages of regulation by special permit outweigh the advantages. Accordingly, the Department proposes to treat as requests for rule making those petitions for special permits which are clearly within the general interest class. If a petition is without merit, the Department will deny it. If a petition appears to have merit, the Department will issue a notice of proposed rule making, usually with a 30-day comment period, and then, after evaluating the comments, either amend the regulations or deny the petition.

Special permits for experimental, developmental, one-of-a-kind, emergency, and military shipments, would continue to be issued under present procedures. Special permits for radioactive materials and for cryogenic compressed gases would also be handled under the present procedures for the time being.

This is the first such notice under this procedure. Commentors should address

themselves to the procedure itself as well as to the merits of this individual proposal.

This notice requests public comment on a proposal by Rocketdyne, a division of North American Rockwell Corp., 663 Canoga Avenue, Canoga Park, Calif. 91304, to ship anhydrous hydrazine and hydrazine solution in DOT Specification 42D aluminum drums.

Interested persons are invited to give their views on whether the Specification 42D aluminum drum (Hazardous Materials Regulations—Title 49 CFR 178.100) is satisfactory for carriage of anhydrous hydrazine and hydrazine solution. Communications should identify the docket number and be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, 400 Sixth Street SW., Washington, D.C. 20590. Communications received on or before February 18, 1969, will be considered before final action is taken on the proposal. All comments received will be available for examination by interested persons at the office of the Secretary, Hazardous Materials Regulations Board, both before and after the closing date for comments.

This proposal is made under the authority of sections 831-835 of title 13, United States Code, section 9 of the Department of Transportation Act (49 U.S.C. 1657) and title VI and section 902 (h) of the Federal Aviation Act of 1958 (49 U.S.C. 1421-1430 and 1472(h)).

Issued in Washington, D.C., on January 13, 1969.

P. E. TRIMBLE,  
Acting Commandant,  
U.S. Coast Guard.

SAM SCHNEIDER,  
Board Member, for the  
Federal Aviation Administration.

LOWELL K. BRIDWELL,  
Administrator,  
Federal Highway Administration.

A. SCHEFFER LANG,  
Administrator,  
Federal Railroad Administration.

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8:47 a.m.]

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